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U.S. Citizenship
and Immigration
Services

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FILE:

EAC 02 121 54104

Office: VERMONT SERVICE CENTER

Date: DEC 19 2005

IN RE:


Petitioner:
Beneficiary:

PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF PETITIONER:

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.


Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center, denied the preference visa petition. The Administrative Appeals Office (AAO) dismissed a subsequent appeal. The matter is now before the AAO on a motion to reopen. The motion will be dismissed.

The petitioner is a medical practice. It seeks to employ the beneficiary permanently in the United States as a general practitioner pursuant to section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2). In pertinent part, section 203(b)(2) of the Act provides immigrant classification to members of the professions holding advanced degrees or their equivalent and whose services are sought by an employer in the United States. As required by statute, the petition was accompanied by certification from the Department of Labor. The director determined that the petitioner had not established that it had the continuing ability to pay the beneficiary the proffered wage beginning on the priority date of the visa petition and denied the petition accordingly.

On appeal, counsel submitted a brief and additional evidence. The AAO affirmed the director's decision. On motion, counsel submits a brief and additional evidence.

Review of Citizenship and Immigration Services (CIS) records indicates that, subsequent to filing the instant petition, the petitioner filed another Form I-140 petition under the same classification, with receipt number EAC 03 040 54913. CIS records further indicate that the second petition was approved on January 5, 2004. The alien subsequently filed a Form I-485 Application to Adjust Status, receipt number EAC 04 096 50618, which was approved on June 30, 2005. Because the alien has adjusted to lawful permanent resident status, further pursuit of the matter at hand is moot.

ORDER: The petition is denied, the motion is dismissed, based on the alien's adjustment to lawful permanent resident status.